

§ 38.0

38.89 May the Director offer the parties to a complaint the option of mediation?

DETERMINATIONS

38.90 If a complaint is investigated, what must the Director do when the investigation is completed?

38.91 What notice must the Director issue if he or she finds reasonable cause to believe that a violation has taken place?

38.92 What notice must the Director issue if he or she finds no reasonable cause to believe that a violation has taken place?

38.93 What happens if the Director finds that a violation has taken place, and the recipient fails or refuses to take the corrective action listed in the Initial Determination?

38.94 What corrective or remedial actions may be imposed where, after a compliance review or complaint investigation, the Director finds a violation of the nondiscrimination and equal opportunity provisions of WIOA or this part?

38.95 What procedures apply if the Director finds that a recipient has violated the nondiscrimination and equal opportunity provisions of WIOA or this part?

38.96 What are the required elements of a written assurance?

38.97 What are the required elements of a Conciliation Agreement?

38.98 When will the Director conclude that compliance cannot be secured by voluntary means?

38.99 If the Director concludes that compliance cannot be secured by voluntary means, what actions must he or she take?

38.100 What information must a Final Determination contain?

38.101 Whom must the Director notify of a finding of noncompliance?

BREACHES OF CONCILIATION AGREEMENTS

38.102 What happens if a grant applicant or recipient breaches a Conciliation Agreement?

38.103 Whom must the Director notify about a breach of a Conciliation Agreement?

38.104 What information must a Notification of Breach of Conciliation Agreement contain?

38.105 Whom must the Director notify if enforcement action under a Notification of Breach of Conciliation Agreement is commenced?

Subpart E—Federal Procedures for Effecting Compliance

38.110 What enforcement procedures does the Department follow to effect compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part?

29 CFR Subtitle A (7–1–16 Edition)

38.111 What hearing procedures does the Department follow?

38.112 What procedures for initial and final decisions does the Department follow?

38.113 What procedure does the Department follow to suspend, terminate, withhold, deny or discontinue WIOA Title I financial assistance?

38.114 What procedure does the Department follow to distribute WIOA Title I financial assistance to an alternate recipient?

38.115 What procedures does the Department follow for post-termination proceedings?

AUTHORITY: 29 U.S.C. 3101 *et seq.*, 29 U.S.C. 3174(b), 29 U.S.C. 3181, 29 U.S.C. 3243, 29 U.S.C. 3245(c)(2), 29 U.S.C. 3245(d)(1)(E), 29 U.S.C. 3246, 29 U.S.C. 3247, and 29 U.S.C. 3248; 42 U.S.C. 2000d, *et seq.*; 29 U.S.C. 794; 42 U.S.C. 6101; and 20 U.S.C. 1681.

SOURCE: 80 FR 43876, July 23, 2015, unless otherwise noted.

Subpart A—General Provisions

§ 38.0 Paperwork Reduction Act approval.

The following sections of this part contain collections of information that are subject to approval by the Office of Management and Budget under control number 1225–0077: §§ 38.20, 38.22, 38.25, 38.29 through 38.40, 38.42, 38.53 through 38.55, 38.70 through 38.74, and 38.77 through 38.80. The approval status of the information collections is available at <http://www.reginfo.gov/public/do/PRAMain>.

§ 38.1 What is the purpose of this part?

The purpose of this part is to implement the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), which are contained in section 188 of WIOA. Section 188 prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity. This part clarifies the application of the nondiscrimination and equal opportunity provisions of WIOA and provides uniform procedures for implementing them.